

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

HIRAM CELIS,

Plaintiff,

v.

CATOOSA COUNTY
PUBLIC SCHOOLS,

Defendant.

CIVIL ACTION FILE NO.

JURY TRIAL DEMANDED

AMENDED COMPLAINT

COMES NOW Plaintiff, Hiram Celis, by and through undersigned counsel, The Kirby G. Smith Law Firm, LLC, and hereby files this Complaint for Damages against Defendant, Catoosa County Public Schools, showing the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 over Count I of this Complaint, which arises out of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq. (“Title VII”).
2. This Court has jurisdiction over the parties because a substantial portion of

the employment practices described herein were committed within the Rome Division of the Northern District of Georgia.

3. Plaintiff exhausted all administrative remedies in this matter. *Dismissal and Notice of Rights*, Ex. 1.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

II. PARTIES

5. Plaintiff is a citizen of the United States and a resident of Catoosa County, Georgia.

6. Defendant is a governmental entity headquartered in Catoosa County, Georgia.

7. Defendant is located at 307 Cleveland Street, Ringgold, Georgia 30736 and is subject to the jurisdiction of this Court.

8. Defendant may be served by delivering a copy of the Complaint and Summons to 307 Cleveland Street, Ringgold, Georgia 30736.

9. Defendant is subject to the requirements of the laws enumerated in the Jurisdiction and Venue section of this Complaint.

III. FACTUAL ALLEGATIONS

10. Plaintiff is of Mexican descent.

11. Plaintiff holds two Master's degrees, one in Educational Leadership and another in Education with Middle School Option.
12. Plaintiff holds a Doctorate in Education.
13. Plaintiff has worked in education since 1991.
14. Plaintiff has been employed by Defendant since July 1, 2007.
15. Plaintiff has at all times relevant to this Complaint been employed by Defendant as an Assistant Principal at Battlefield Primary School.
16. Plaintiff has an overall positive performance history with Defendant.
17. Plaintiff is the only Assistant Principal of Mexican descent employed by Defendant.
18. Defendant employs no Principals of Mexican descent.
19. Defendant employs no minority Principals or Assistant Principals.
20. On or about May 7, 2018, Plaintiff applied for a Principal position with Defendant at West Side Elementary School.
21. Plaintiff interviewed for the referenced Principal position.
22. On or about May 10, 2018, two Caucasian candidates were selected for a second interview.
23. Plaintiff was not selected for a second interview.

24. Plaintiff was ultimately not selected for the position.

25. A Caucasian, non-Mexican candidate (the “selected candidate”) was selected for the position.

26. The selected candidate has less experience as an Assistant Principal than Plaintiff.

27. The selected candidate does not have a Doctorate degree.

28. Plaintiff was informed of his non-selection by Doug Cline, Director of Human Resources.

29. Mr. Cline had previously stated that Plaintiff would not get a position as Principal while Mr. Cline was head of Human Resources.

30. Upon information and belief, Mr. Cline has not made similar comments with regards to non-Mexican candidates.

31. Plaintiff was contacted by a minority employee in Defendant’s Superintendent’s office and was told that if he wanted to “move up the career ladder [he] needed to look elsewhere.”

32. Upon information and belief, similar comments have not been made to non-Mexican candidates.

33. In March 2019, Plaintiff interviewed for another Principal position with

Defendant at Heritage Middle School.

34. Plaintiff was again not selected for a second interview.

35. A Caucasian, non-Mexican candidate was selected for the position.

36. The candidate selected has less experience as an Assistant Principal than Plaintiff.

37. Plaintiff filed a claim with the Equal Employment Opportunity Commission on December 10, 2018. (Charge Number 410-2019-00850).

38. Plaintiff received a Notice of Rights, dated April 8, 2019.

IV. CLAIMS FOR RELIEF

Count I: National Origin Discrimination Under Title VII

39. Plaintiff reasserts and incorporates Paragraphs 1 through 38 of this Complaint as if fully set forth herein.

40. Plaintiff is a member of a protected class by virtue of his national origin.
Para. 10.

41. Plaintiff was qualified for the position at issue. *Paras. 11-16.*

42. Plaintiff suffered the adverse action of non-selection. *Paras. 10-27.*

43. The hiring of a less qualified, non-Mexican candidate demonstrates discriminatory animus. *Paras. 25-27.*

44. The failure to hire other minorities for Principal and Assistant Principal positions demonstrates discriminatory animus. *Paras. 17-19.*

45. Comments made regarding Plaintiff's promotion opportunities demonstrates discriminatory animus. *Paras. 29-31.*

46. Defendant's business reasons for its actions are illegitimate and pretextual. *Paras. 25-27;29-31.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

- a. Trial by jury;
- b. Declaratory relief;
- c. Actual and compensatory damages in an amount to be determined by the enlightened conscience of a jury;
- d. Punitive damages; and
- e. Attorney's fees, costs of litigation and any other relief the Court deems just and proper.

Date: July 8, 2019.

Respectfully submitted,

THE KIRBY G. SMITH LAW FIRM, LLC

s/Amanda M. Brookhuis

Amanda Brookhuis

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JURY DEMAND

Plaintiff requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted this 8th day of July, 2019.

THE KIRBY G. SMITH LAW FIRM, LLC

s/Amanda M. Brookhuis

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FONT AND POINT CERTIFICATION

The Undersigned counsel for Plaintiff certifies that the within and foregoing COMPLAINT was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

Respectfully submitted this 8th day of July, 2019.

THE KIRBY G. SMITH LAW FIRM, LLC

s/Amanda M. Brookhuis

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